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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,293	08/11/2000	Guy L. McClung III	GLM III CIP 2	8572

7590 08/13/2003  
Guy McClung  
Pmb 347  
16690 Champion Forest Drive  
Spring, TX 77379-7023

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/637,293

Applicant(s)

MCCLUNG, GUY L.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM

## THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Client elected group II consisting of claims 6-13. Claims 6-13 are presented for examination.

#### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps necessary to result in guaranteeing a best price to the consumer for the goods or services that are subject of the transaction.
3. Claim 6 recites the limitation "the transaction" in line 29. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 6 recites the limitation "the goods or services" in lines 28-29. There is insufficient antecedent basis for this limitation in the claim.
5. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claims 6-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not explain how using the bill payment system leads to guaranteeing a best price for a consumer.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan (5,699,528 hereinafter Hogan) in view of Bloomberg et al.(5,642,279 hereinafter Bloomberg).

With respect to claims 6, 10 and 12, Hogan teaches a computer-readable medium having computer-executable instructions (see Abstract). Storing a bill and associated payment information, the payment remittance information being arranged within a data structure according to a format prescribed by the biller, the data structure having one or more open data fields to hold data that a consumer can supply or alter and one or more closed data fields that hold data that the consumer cannot alter, the remittance information further including structured remittance data that is kept hidden from the consumer (i.e. the internal remittance structure is formatted according to the individual biller's system, some of the data structure not being able to be changed such as the account number, next reading date and service to and some of the data can be

alter such as the amount paid)(see Figure 4); presenting the bill to the consumer without revealing the structured remittance data (i.e. the individual's billers internal remittance information is not displayed to the client)(see figure 4); enabling the consumer to specify payment instructions including at least one of an amount to be paid on the bill, a payment date, and an account from which to draw payment, while prohibiting the consumer from altering data contained in the closed data fields (see Figure 4); associating the payment instructions with the structured remittance data(col. 8, lines 33-62); electronically transmitting the payment instructions to initiate payment of the bill (col. 8, lines 33-62); electronically routing the payment remittance information, including the structured remittance data, in the biller prescribed format to the biller so that the structured remittance data is automatically returned to the biller without intervention by the consumer (col. 8, lines 36-62).

With respect to guaranteeing a best price to the consumer for the goods and services that are subject to a transaction. Bloomberg teaches a technique for utilizing a computer system to provide price protection to customers on goods (see Title and Abstract). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included guaranteeing a best price to the consumer for the goods and services that are subject to a transaction because such a modification would motivate the customer to use the system knowing that a best price will be guaranteed.

With respect to claims 7-8, Bloomberg further teaches monitoring the prices and performing the steps of comparing prices that are subject matter of the transaction and calculating a refund (see figure 1 and col. 3, lines 19-34). It would have been obvious to

a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Bloomberg of monitoring the prices and performing the steps of comparing prices that are subject matter of the transaction and calculating a refund because such a modification would assure the customer that he will get a refund if the price of the product purchased decreases.

8. Claims 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan and Bloomberg as applied to claims 1-8, 10, 12 above, and further in view of Walker et al,(6,249,772 hereinafter Walker).

Claims 9, 11 and 13 further recite providing the refund by crediting an account of the consumer. The combination of Hogan and Bloomberg teach printing and mailing a check to the consumer (see figure 2 of Bloomberg). The combination of Hogan and Bloomberg do not specifically teach crediting an account of the consumer. Walker teaches a system for providing a refund by crediting an account of the consumer (col. 22, lines 17-33). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to included crediting an account of the consumer because such a modification would allow for an immediate refund rather than having to wait for the refund to be mailed.

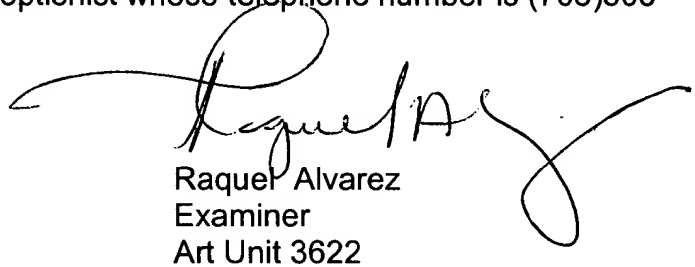
### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Raquel Alvarez  
Examiner  
Art Unit 3622

R.A.  
August 6, 2003